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June 5, 2013

**FILED BY ECF**

Judge David N. Hurd  
United States District Court  
Alexander Pirnie Federal Building  
10 Broad Street  
Utica, NY 13501-1233

Re: *Peter J. Nichols v. Select Portfolio Servicing, Inc. Bank of America Home Loans*,  
Case No. 13-cv-00224 (DNH) (RFT)

Dear Judge Hurd:

This firm represents Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP, sued herein as "d/b/a Bank of America NA" ("Bank of America") in the action referenced above. Bank of America has filed a motion to dismiss which is now fully submitted. The motion to dismiss is returnable on June 14, 2013 at 10:00 a.m.

We submit this letter to request that the motion be decided on submission. Alternatively, if a hearing is held on the motion, we respectfully request permission to participate in the hearing via telephone.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Scott H. Kaiser".

Scott H. Kaiser

cc.: Peter Nichols (pro se Plaintiff) (by U.S. mail)  
Joseph Froehlich, Esq. (attorney for Select Portfolio Servicing, Inc.) (via ECF)

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